

# SENATE BILL 371

E4, J2, J1  
HB 1190/10 – HGO

11r1903  
CF HB 503

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By: **Senator Conway**

Introduced and read first time: February 3, 2011

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations Boards – Discipline of Health Care Practitioners –**  
3 **Failure to Comply with Governor’s Order**

4 FOR the purpose of authorizing certain health occupations boards to take certain  
5 actions against certain health care practitioners under certain circumstances  
6 and subject to certain hearing provisions; prohibiting certain health care  
7 practitioners from knowingly and willfully failing to comply with certain  
8 provisions of law; subjecting certain health care practitioners to certain  
9 discipline under certain circumstances; and generally relating to the discipline  
10 of health care practitioners for the failure to comply with the Governor’s order  
11 relating to catastrophic health emergencies.

12 BY adding to

13 Article – Health Occupations  
14 Section 1–219  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Public Safety  
19 Section 14–3A–01(a) and (e) and 14–3A–03(c)  
20 Annotated Code of Maryland  
21 (2003 Volume and 2010 Supplement)

22 BY repealing and reenacting, with amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Public Safety  
2 Section 14–3A–08  
3 Annotated Code of Maryland  
4 (2003 Volume and 2010 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Health Occupations**

8 **1–219.**

9 (A) IN THIS SECTION, “HEALTH CARE PRACTITIONER” MEANS A PERSON  
10 WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE A  
11 HEALTH OCCUPATION UNDER THIS ARTICLE.

12 (B) SUBJECT TO THE HEARING PROVISIONS THAT GOVERN THE  
13 DISCIPLINE OF A HEALTH CARE PRACTITIONER BY EACH RESPECTIVE HEALTH  
14 ~~OCCUPATION~~ OCCUPATIONS BOARD, A HEALTH ~~OCCUPATION~~ OCCUPATIONS  
15 BOARD MAY REPRIMAND, PLACE ON PROBATION, OR SUSPEND OR REVOKE A  
16 LICENSE OR CERTIFICATE OF ANY HEALTH CARE PRACTITIONER UNDER THE  
17 BOARD’S JURISDICTION WHO FAILS TO COMPLY WITH § 14–3A–03(C) OF THE  
18 PUBLIC SAFETY ARTICLE.

19 **Article – Public Safety**

20 14–3A–01.

21 (a) In this subtitle the following words have the meanings indicated.

22 (e) “Heath care provider” means:

23 (1) a health care facility as defined in § 19–114(d)(l) of the  
24 Health – General Article;

25 (2) a health care practitioner as defined in § 19–114(e) of the  
26 Health – General Article; and

27 (3) an individual licensed or certified as an emergency medical  
28 services provider under § 13–516 of the Education Article.

29 14–3A–03.

30 (c) The Governor may order any health care provider, who does not  
31 voluntarily participate, to participate in disease surveillanc, treatment, and  
32 suppression efforts or otherwise comply with the directives of the Secretary or other  
33 designated official.

1 14-3A-08.

2 (a) (1) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS  
3 SECTION, A person may not knowingly and willfully fail to comply with an order,  
4 requirement, or directive issued under this subtitle.

5 [(b)] (2) A person who violates [subsection (a) of this section] PARAGRAPH  
6 (1) OF THIS SUBSECTION is guilty of a misdemeanor and on conviction is subject to  
7 imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

8 (B) (1) A HEALTH CARE PRACTITIONER, AS DEFINED IN § 19-114(E)  
9 OF THE HEALTH - GENERAL ARTICLE, MAY NOT KNOWINGLY AND WILLFULLY  
10 FAIL TO COMPLY WITH § 14-3A-03(C) OF THIS SUBTITLE.

11 (2) A HEALTH CARE PRACTITIONER WHO FAILS TO COMPLY WITH  
12 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBJECT TO DISCIPLINE  
13 UNDER § ~~1-214~~ 1-219 OF THE HEALTH OCCUPATIONS ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.